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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,704	12/21/2001	Shilpa Tipnis	20-488	6904

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EXAMINER	
SMITH, SHEILA B	

ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/023,704	Applicant(s) TIPNIS ET AL.	
	Examiner Sheila B. Smith	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,9 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,9 and 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3,9,13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fransioli (International Publication Number WO 01/86918 A2) in view of Alperovich et al. (Patent Number 6,119,014) further in view of Hamalainen et al. (U. S. Patent Publication Number 2006/0148415).

Regarding claims 3, Fransioli essentially discloses all of the claimed invention as set forth in the instant application, additionally Fransioli discloses the location based messaging method and system, Fransioli discloses a method of providing tour guide information in a wireless network (which reads on page 1 lines 1-2), comprising using a location based wireless service to obtain a location of a subscriber using wireless or cellular network signaling (which reads on page 2 lines 3-5), identifying a short message relating to said location, and transmitting said identified short message to said subscriber (which reads on page 2 lines 8-9). Fransioli fails to disclose (a) a Short Messaging Service and (b) altering the length of a message based on speed of subscriber.

In the same field of endeavor, Alperovich et al. discloses a system and method for displaying short messages depending upon location, priority and userdefined indicators. In

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addition Alperovich et al. discloses(a) the a Short Messaging Service as disclosed in column 5 lines 50-55.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with use of determining a speed of subscriber as taught by Alperovich et al. for the purpose of immediately provide the user with all information pertaining to the location.

In the same field of endeavor, Hamalainen et al. discloses a communication system and method using transmit diversity. In addition Hamalainen et al. discloses (b) altering the length of a message based on speed of subscriber as disclosed in paragraph 0047.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with altering the length of a message based on speed of subscriber as taught by Hamalainen et al. for the purpose of immediately provide the user with all information pertaining to the location.

Regarding claims 9, Fransioli discloses everything claimed, as applied above (see claim 1) further Fransioli discloses apparatus for providing tour guide information in a wireless network (which reads on page 1 lines 1-2), comprising means for obtaining a location-based wireless service a location of a subscriber (which reads on page 2 lines 3-5), means for identifying a short message relating to said location, and means for transmitting said identified short message to said subscriber (which reads on page 2 lines 8-9). Fransioli fails to disclose a Short Messaging Service.

In the same field of endeavor, Alperovich et al. discloses a system and method for displaying short messages depending upon location, priority and userdefined indicators. In addition Alperovich et al. discloses the a Short Messaging Service as disclosed in column 5 lines 50-55.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with use of determining a speed of subscriber as taught by Alperovich et al. for the purpose of immediately provide the user with all information pertaining to the location.

Regarding claims 13-19, Fransioli essentially discloses all of the claimed invention as set forth in the instant application, additionally Fransioli discloses the location based messaging method and system, Fransioli discloses a method of providing tour guide information in a wireless network (which reads on page 1 lines 1-2), comprising using a location based wireless service to obtain a location of a subscriber using wireless or cellular network signaling (which reads on page 2 lines 3-5), identifying a short message relating to said location, and transmitting said identified short message to said subscriber (which reads on page 2 lines 8-9). Fransioli fails to discloses (a) a Short Messaging Service and (b) altering the length of a message based on speed of subscriber.

In the same field of endeavor, Alperovich et al. discloses a system and method for displaying short messages depending upon location, priority and userdefined indicators. In addition Alperovich et al. discloses(a) the a Short Messaging Service as disclosed in column 5 lines 50-55.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with use of determining a speed of subscriber as taught by Alperovich et al. for the purpose of immediately provide the user with all information pertaining to the location.

In the same field of endeavor, Hamalainen et al. discloses a communication system and method using transmit diversity. In addition Hamalainen et al. discloses (b) altering the length of a message based on speed of subscriber as disclosed in paragraph 0047.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with altering the length of a message based on speed of subscriber as taught by Hamalainen et al. for the purpose of immediately provide the user with all information pertaining to the location.

Regarding claims 20-27, Fransioli essentially discloses all of the claimed invention as set forth in the instant application, additionally Fransioli discloses the location based messaging method and system, Fransioli discloses a method of providing tour guide information in a wireless network (which reads on page 1 lines 1-2), comprising using a location based wireless service to obtain a location of a subscriber using wireless or cellular network signaling (which reads on page 2 lines 3-5), identifying a IP message relating to said location, and transmitting said identified IP message to said subscriber (which reads on page 2 lines 8-9). Fransioli fails to discloses (a) a Short Messaging Service and (b) altering the length of a message based on speed of subscriber.

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In the same field of endeavor, Alperovich et al. discloses a system and method for displaying short messages depending upon location, priority and userdefined indicators. In addition Alperovich et al. discloses(a) the a Short Messaging Service as disclosed in column 5 lines 50-55.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with use of determining a speed of subscriber as taught by Alperovich et al. for the purpose of immediately provide the user with all information pertaining to the location.

In the same field of endeavor, Hamalainen et al. discloses a communication system and method using transmit diversity. In addition Hamalainen et al. discloses (b) altering the length of a message based on speed of subscriber as disclosed in paragraph 0047.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Fransioli by modifying a location based messaging method and system with altering the length of a message based on speed of subscriber as taught by Hamalainen et al. for the purpose of immediately provide the user with all information pertaining to the location.

Response to Arguments

2. Applicant's arguments with respect to claims 3,9,13-27 have been considered but are moot in view of the new ground(s) of rejection.

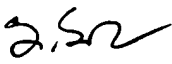
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Smith 
March 26, 2007


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER